

COOLEY GODWARD KRONISH LLP
JOHN C. DWYER (136533)
GRANT P. FONDO (181530)
JESSICA VALENZUELA SANTAMARIA (220934)
JAMES M. PENNING (229727)
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Telephone: (650) 843-5000
Facsimile: (650) 849-7400

Attorneys for Nominal Defendant
BROCADE COMMUNICATIONS SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE BROCADE COMMUNICATIONS
SYSTEMS, INC. DERIVATIVE
LITIGATION

Case No. C 05-02233 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE FINAL APPROVAL
HEARING**

This Document Relates to:

ALL ACTIONS

WHEREAS, on August 10, 2006, plaintiffs Stephen Knee, Robert Galluscio, William Pratt, and Anjani K. Jha, nominal defendant Brocade Communications Systems, Inc., individual defendants Antonio Canova, Michael Klayko, Seth D. Neiman, Neal Dempsey, Christopher B. Paisley, David L. House, Nicholas G. Moore, L. William Krause, Sanjay Vaswani, Robert R. Walker, Mark Leslie, Paul Bonderson, Larry W. Sonsini, William K. O'Brien and Michael J. Byrd, and defendant KPMG, LLP (the "Parties") entered into an Amended Stipulation of Settlement (the "Stipulation") to settle the derivative Actions;

WHEREAS, on August 10, 2006, the Parties submitted the Stipulation to this court for preliminary approval;

WHEREAS, on February 14, 2007, the Court issued an Order granting preliminary approval of the Stipulation, setting a hearing for final approval to be held on April 27, 2007, and providing that Notice of the Stipulation be provided to shareholders no later than March 23, 2007;

WHEREAS, on April 27, 2007, the Court issued an Order:

1. continuing the hearing for final approval to August 24, 2007;
2. setting a case management conference ("CMC") for August 24, 2007;
3. providing that briefs be filed by August 15, 2007, and that any reply papers be filed by August 20, 2007; and
4. dismissing KPMG from the action without prejudice.

WHEREAS, nominal defendant Brocade Communications Systems, Inc., ("Brocade") provided plaintiffs with confirmatory discovery, including over 2 million pages of documents;

WHEREAS, plaintiffs continue to review the confirmatory discovery produced by Brocade and anticipate completing this review within approximately forty-five (45) days;

WHEREAS, the Parties wish to continue the August 24, 2007 final approval hearing and CMC for a period of forty-five (45) days to allow additional time to meet and confer regarding the Stipulation and to allow plaintiffs time to complete the review of confirmatory discovery;

WHEREAS, the Parties understand that 10:00 a.m. on October 26, 2007, is available on the Court's calendar, and the Parties are also available on this date;

///

///

///

///

///

///

///

///

///

1 NOW, THEREFORE, the Parties hereby stipulate as follows:

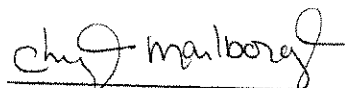
2 1. The final approval hearing and CMC currently scheduled for August 24, 2007,
3 shall be rescheduled to 10:00 a.m. on October 26, 2007, (the "Hearing Date") and associated
4 deadlines shall be rescheduled accordingly;

5 2. Any briefs outlining a Party's position on the Stipulation shall be filed by
6 October 17, 2007; and

7 3. Reply briefs shall be filed by October 22, 2007.

8
9 Dated: August 14, 2007

FARUQI & FARUQI, LLP

10
11 

12 Christopher Marlborough

13 Co-Lead Counsel For Plaintiffs

14 Dated: August __, 2007

COOLEY GODWARD KRONISH LLP

15
16
17 _____
Grant P. Fondo

18 Attorneys For Nominal Defendant,
19 BROCADE COMMUNICATIONS
SYSTEMS, INC.

20 Dated: August __, 2007

HELLER EHRMAN LLP

21
22 _____
Norman J. Blears

23 Attorneys For Defendant Antonio Canova
24
25
26
27
28

3.

NOW, THEREFORE, the Parties hereby stipulate as follows:

1. The final approval hearing and CMC currently scheduled for August 24, 2007, shall be rescheduled to 10:00 a.m. on October 26, 2007, (the "Hearing Date") and associated deadlines shall be rescheduled accordingly;

2. Any briefs outlining a Party's position on the Stipulation shall be filed by October 17, 2007; and

3. Reply briefs shall be filed by October 22, 2007.

Dated: August __, 2007

FARUQI & FARUQI, LLP

Christopher Marlborough

Co-Lead Counsel For Plaintiffs

Dated: August 14, 2007

COOLEY GODWARD KRONISH LLP

Grant P. Fondo

Attorneys For Nominal Defendant,
BROCADE COMMUNICATIONS
SYSTEMS, INC.

Dated: August __, 2007

HELLER EHRMAN LLP

Norman J. Blears

Attorneys For Defendant Antonio Canova

3.

2. Any briefs outlining a Party's position on the Stipulation shall be filed by October 17, 2007; and

Dated: August __, 2007

Dated: August __, 2007

Attorneys For Nominal Defendant,
BROCADE COMMUNICATIONS
SYSTEMS, INC.

Dated: August 14, 2007

~~Norman J. Blears~~

ALEXANDER LYON

[illegible]

1 Dated: August 14, 2007

WILSON SONSINI GOODRICH & ROSATI

3 Steven B. Guggenheim /cph
4 Steven B. Guggenheim

5 Attorneys For Defendants
6 Seth Neiman, Neal Dempsey, Christopher B.
7 Paisley, David L. House, Nicholas G. Moore,
8 L. William Krause, Sanjay Vaswani, Robert R.
9 Walker

10 Dated: August __, 2007

SKADDEN ARPS SLATE MEAGHER &
FLOM LLP

11 Garrett J. Waltzer
12 Garrett J. Waltzer *by JWP*

13 Attorneys For Defendant
14 Gregory L. Reyes

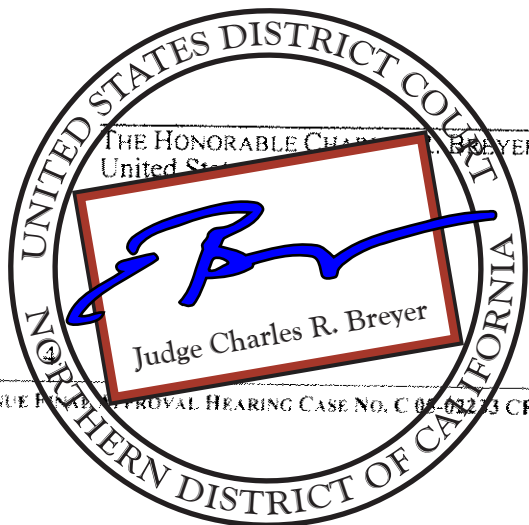
15 ~~PROPOSED~~ ORDER

16 Pursuant to the stipulation of counsel, IT IS SO ORDERED:

- 17 1. The hearing on final approval scheduled for August 24, 2007, shall be
18 November 1, 2007
19 rescheduled to 10:00 a.m. on ~~October 26, 2007~~, and the associated deadlines shall
20 be rescheduled accordingly;
- 21 2. Any briefs outlining a Party's position on the Stipulation shall be filed by
22 October 17, 2007; and
- 23 3. Reply briefs shall be filed by October 22, 2007.

24 Dated: 08/17/07

25 757685 vi/PA



26 STIPULATION & ~~PROPOSED~~ ORDER TO CONTINUE FINAL APPROVAL HEARING CASE NO. C 05-02233 CRB

27
28
KRM:WAP
KRM:WAP
KRM:WAP